COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on

February 24, 2003. At the time the Examiner mailed the Office Action claims 1

through 65 were pending. By way of the present response the Applicant has

amended claims 1 through 65. No claims have been canceled and no claims

have been added. As such, claims 1 through 65 remain pending. The Applicant

respectfully requests reconsideration of the present application and the

allowance of claims 1 through 65.

The Examiner has indicated that claims 1 through 65 are allowable

provided that an offense to 35 USC 112, paragraph 2 is corrected. In particular

the Examiner stated that:

> Claim 1, line 1, is labeled as a "dynamic gain
> flattening filter", however there is nothing in the body
> of the claim, i.e., after the word, "comprising" which
> specifically points out structural limitation acts to
> perform "gain flattening" or which structural limitation
> performs the function of optical wavelength filtering.
> Claim 31 is rejected for the same reasons as claim 1.
> The remaining dependent claims 2-30 and 32-65 are
> also rejected as being inclusive of rejected claims 1 or
> 31.
>
> (See Examiner's Office Action mailed 2/24/03, pgs. 2-
> 3)

In response, the Applicant has rewritten the preamble for each of claims 1

through 65 so as to more generically recite "An, optical apparatus". The

Applicant thanks the Examiner for the allowance of claims 1 through 65.

Conclusion

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Robert B. O'Rourke at (408) 720-8300.
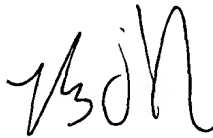
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 7/24/03

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